

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAVIER RIVERA FRANCO,

Plaintiff,

VS.

KISHA A COLLINS, *et al*,

Defendant.

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CIVIL ACTION NO. 2:14-CV-148

OPINION AND ORDER DENYING
MOTION TO ALTER OR AMEND THE JUDGMENT

On January 8, 2015, a final judgment dismissing Plaintiff's lawsuit as frivolous was entered (D.E. 27, 28). On January 22, 2015, Plaintiff timely filed a Motion to Alter or Amend the Final Judgment and brief in support (D.E. 29, 30).

"A Rule 59(e) motion is a motion that calls into question the correctness of a judgment. Rule 59(e) is properly invoked 'to correct manifest errors of law or fact or to present newly discovered evidence.'" *In re Transtexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002) (quoting *Waltman v. Int'l Paper Co.*, 875 F.2d 468, 473 (5th Cir. 1989)).

Plaintiff reurges his earlier arguments which have been rejected, and has failed to cite to any manifest errors of law or fact, and has presented no new evidence. Though Plaintiff seeks leave again to amend his complaint, he has stated no facts in his motion that state a claim. Plaintiff's Rule 59(e) motion to alter or amend the judgment (D.E. 29,

30) is denied. To the extent Plaintiff wishes to bring new claims arising since the filing of this lawsuit and not addressed in this lawsuit, he is free to exhaust his administrative remedies and file a new lawsuit.

SIGNED and ENTERED on 3/23/15.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE